

# MINUTES

## CRIMINAL & JUVENILE JUSTICE INFORMATION ADVISORY GROUP MEETING MINUTES

---

May 12, 2017  
9:00 AM -11:00 AM  
Room W277, MN Bureau of Criminal Apprehension

### Attendees

<b>Advisory Group Members:</b>	<b>Organization</b>
Bakke, Spencer	Minnesota Sheriff's Association
Beaumaster, G. Paul	Minnesota County Attorney's Assn.
Beyer-Kropuenske, Laurie	Department of Administration
Bodie, Marv	Minnesota Association of Counties
Conklin, Shana	League of MN Cities
Galili, Oded	Bureau of Criminal Apprehension
Hoyle, Kathy	Board of Public Defense
Illka, Richard	10 <sup>th</sup> Judicial District
Johnson, Brian	Minnesota House of Representatives
Johnson, Sherry on behalf of Terry Fawcett	Minnesota Assn. of Counties
Kerschner, Deb	Department of Corrections
Khan, Safia	Minnesota Coalition for Battered Women
Lang, Paula	Minnesota Assn for Court Management
McCormick, Jeff	Minnesota Chiefs of Police Association
Meekin, Paul on behalf of Tom Baden	MN.IT
Miller, David	Attorney General
Ramlo, Jon	Minnesota Assn. of Counties
Reitz, Nate	MN Sentencing Guidelines Commission
Revering, Stephanie	Minnesota Chiefs of Police Association
Schmidt, Amy	League of MN Cities
Smith, Rick	Washington County Probation

Washburn, Steve	League of MN Cities
<b>Attendees:</b>	<b>Organization</b>
Anderson, Lisa	MAD - MMB
Bibus, Beth	MAD - MMB
Oliveira, Jill	BCA
Pal-Freeman, Bill	BCA
Schiller, Karen	BCA

## Welcome and Introductory Items

Chair Deb Kerschner called the meeting to order. Roundtable introductions were made. A motion was made and seconded to approve the February 17, 2017, Advisory Group meeting minutes. Before a vote was taken, a member requested an inclusion to the minutes be made regarding the bylaws discussion; citing that during the discussion a decision was made to establish a spokesperson on behalf of the Advisory Group. Deb pointed to the fifth bullet under the Advisory Group By-Laws Discussion (in the minutes) stating that “chairs will work on designating a spokesperson for the Advisory Group”. She asked the member if that was sufficient and they agreed. A vote was taken to approve the meeting minutes.

**The motion carried.** A motion was made and seconded to approve the agenda. A vote was taken. **The motion carried.** Deb introduced the first agenda item by providing newer members with a brief history about the conception of the Data Practices subcommittee and the work that has been accomplished. She welcomed Lisa Anderson, and Beth Bibus, the representatives from Management Analysis and Development (MAD), who were invited to the meeting to report the key findings of the survey results.

## Data Practices Subcommittee Presentation

Laurie Beyer-Kropuenske informed the members that the subcommittee used a three-pronged (research) approach and this work has been three years in the making. She reported that last spring they conducted interviews with data practitioners from the criminal justice community; which was followed by an environmental scan across the country executed by the University of Minnesota Humphrey Capstone students; and today they now have the results from the three data practices questions that were published on the University of Minnesota's 2016 survey. She informed the members that following the presentation of the survey results, they will have a discussion in order to determine the next steps. She then turned the floor over to the MAD representatives.

Lisa Anderson informed the members that MAD (a division of Minnesota Management and Budget) is a group of neutral consultants for public service clients. She explained that they were hired to assist the subcommittee in gathering and rendering meaning from the data on the practitioner perspectives; and then use the practitioner data to develop the questions to be included in the University of Minnesota's 2016 Minnesota State Survey of the general public. As a primer to the survey results, she went over the key findings from the practitioner interviews with the members for their review.

### Things that are working well:

- Data generally shared or protected properly
- Practitioners can get the data they need
- Parts of the law are clear
- Useful databases exist
- IPAD is a useful resource
- Improved cross-agency and cross-discipline work

**Challenges:**

- Administrative challenges, particularly staff time and resources
- Inconsistent interpretation of the law
- Information does not “flow” within the system
- Complexity in the law, many variables and exceptions
- Negative outcomes to releasing data
- Fear of mistakes, lawsuits
- Prosecutors determine access

**Potential changes/improvements:**

- Additional training or resources for government entities
- Consistent interpretation of existing law
- Changes to database or computer system
- Fees to access data or funding to offset costs of data preparation
- More education and involvement for the general public

**Potential statute changes:**

- Simplify or clarify law
- Better address juvenile justice data
- Examine impact of technology on data practices
- Change law to limit data that can be released
- Better address victim protection and access to data

Lisa then informed the members that MAD analyzed the survey data based on the *2016 Minnesota State Survey Results and Technical Report* and developed key findings. She pointed out relevant factors about the survey (from the report) in order to provide the members with a quantitative understanding of the reported survey results.

- The survey was administered via cell phone and landline based on random selection from October 2016 to April 2017.
- 806 Minnesotans age 18 and up completed the survey.
  - Response rate= 11.5% (14% for landlines, 9% for cell phones)
- Survey results can be generalized to represent the views of all Minnesotans.
  - Each percentage point represents the views of 40,199 Minnesotan adults
- For data practices questions, any survey result could be up to 3.5 percentage points higher or lower than what it would be if the survey included all Minnesotans (called a margin of error, common in all surveys of this type, varies slightly by question).
  - Example: If the survey found that 50 percent of respondents will be travelling out of state, the actual percent of all Minnesotans travelling out of state would be between 46.5 and 53.5%.
- Groups that are underrepresented by the survey include people who are nonwhite and people who are under age 55.

*For this bullet, Laurie explained that the survey was planned to be conducted and completed last fall, but instead was extended four months due to difficulty in reaching people and advised the members to be aware that the survey may not be an inclusive representation of the entire state.*

- Language barriers led to the exclusion of 71 respondents.

*For this bullet, a member asked if the survey was conducted in strictly English, or if other languages were used. Beth Bibus responded that she will look at the report for the answer; and later in the meeting; after her review of the report, stated that she could not find any indication that there was a non-English version of the questionnaire.*

- For each scenario, the University of Minnesota provided a report on demographics, which they tested for significance using Chi Square.
  - Tests the likelihood that the breakdown of results by demographics is due to a pattern and is not random, or that the demographics and responses are “correlated.”
  - “Correlated” does not identify *how* they are related (whether one causes the other).
- Demographics that pass this test are “statistically significant.”
  - Statistically significant means 95 percent of the time, there is a relationship between the demographic and the survey question—it’s not just random.
  - MAD included in this presentation the results for those demographics that were statistically significant, by scenario.

- MAD also included interpretation of demographic patterns in the Key Findings section.
- Some demographics are highly correlated with one another, such as education and income, which may inform why they commonly appear as significant for the same survey question.

Lisa continued to the survey questions. Please note that the questions were published on the survey under section F. Data Practices, with the following introduction: The next questions are about criminal justice data and how information like arrest and conviction records, police reports, and victim and witness information is shared with the public and within government. We're talking here about records that are maintained by government agencies like police, probation officers, public defenders, and prosecutors.

Question 1: How concerned are you about (read list)...are you very concerned, somewhat concerned, not very concerned, or not at all concerned, or do you not know enough about it to say?

- Identity theft
- Reselling of government records by private companies or by individuals to make a profit
- The government maintaining a large amount of information about individuals
- Government agencies sharing information about you without your knowledge
- Offenders getting access to information about victims, witnesses, or their families

Lisa reported that the overall response to the first question indicates that the majority of people are very or somewhat concerned with all of these data scenarios. She felt that what was more telling was the percentage of people who responded "didn't know". A member wondered if we are assuming that people understand or are making assumptions about what is meant by the questions posed. Laurie responded that this is where MAD, and the University of Minnesota, were very helpful in how to pose the questions in a way that people could respond in a general way. Deb also responded that it doesn't necessarily matter how much people know about the definition of criminal justice data, what matters is whether they are concerned that information about them is being shared without their knowledge. Laurie added that this is more about public opinions. Deb agreed, adding that it is their opinion based on what they know. Beth explained that there was a large discussion during the question development process as to whether the questions should test the public about their knowledge around these things or gain their opinion. She continued that when they weighed in on opinion versus what they know, they favored opinion. Laurie stated that what we are discussing here also leads into our takeaways about how to address this and whether we are the group to do it. Deb added that as we think about moving forward to remember that how we (as the criminal justice community) think may differ from the public's perception.

Lisa followed the survey results with the demographic characteristics that correlated with increased concern. She stated that the members sent them 10 or 11 characteristics which they went through and chose the ones they felt would have the most impact regarding the public perception. She then went through the demographic key findings indicating the correlation with increased concern:

Party (affiliation): Not a significant factor.

Location: Being from Greater Minnesota correlated with somewhat or very concerned for 1a, 1d, and 1e.

Education: Having less formal education correlated with somewhat or very concerned for 1a, 1c, and 1e.

Having more formal education correlated with somewhat or very concerned for 1b and 1d.

Age: Being older correlated with somewhat or very concerned for 1a, 1b, 1d, and 1e.

Gender: Not a significant factor, but higher concern correlated with women for 1a, 1b, 1d, 1e.

Income: Having lower income correlated with somewhat or very concerned for 1c.

Having higher income correlated with somewhat or very concerned for 1d.

Household composition: Being married with children correlated with somewhat or very concerned for 1a.

Lisa asked if there were any questions before moving on and as there were no questions she continued with question two which she explained had to do with sharing data among government agencies. Laurie informed the members that as they were conducting the practitioner interviews, they learned from them that the public perception is that there are no (jurisdictional) barriers or silos (of information) within government around sharing data; their (the public) understanding is that there is open access to all data among government agencies.

Question 2: There are some common situations where government agencies share criminal justice information WITH EACH OTHER. In your opinion, should (READ LIST) be always shared, usually shared, usually not shared, or never shared?

- a. Information about the offender between law enforcement officers in two different counties
- b. Information about an offender's mental health that would help provide support or treatment
- c. Information about a juvenile offender between law enforcement and the school
- d. Information that is needed to protect a crime victim
- e. Information to ensure public defenders have what they need to defend someone accused of a crime
- f. Information to help solve a crime that crosses city or county lines

Lisa reported that overall the response to the second question was that the majority of people were okay with data being shared among government agencies. She continued with the demographic key findings indicating the correlation with support for sharing information:

Party (affiliation): Being Independent or Republican correlated with always or usually share for 2a, 2c, and 2f.

Location: Being from Greater Minnesota correlated with always or usually share for 2a and 2f.

Being from the Twin Cities correlated with always or usually share for 2c.

Education: Having less formal education correlated with always or usually share for 2b and 2c.

Having more formal education correlated with always or usually share for 2a, 2e, and 2f.

Age: Being older correlated with always or usually share for 2a and 2c.

Gender: Not a significant factor, no strong pattern.

Income: Having lower income correlated with always or usually share for 2b and 2c.

- 2c. Both extreme high and extreme low income correlated with always or usually share.

Household composition: Being married correlated with always or usually share for 2f.

Not having children correlated with always or usually share for 2d.

After Lisa went through the demographics she went back to point out the similarities. She stated that generally speaking the people with more formal education; higher income; being older; being married; having no children (both married and single); and being from Greater Minnesota; correlated with more sharing. A member asked why the term offender was used versus suspect because they felt it creates a higher perception of guilt and impacts the way the question is answered. Laurie responded that she didn't recall the reason they chose offender; possibly the public would have a better understanding over some of the more nuanced words. She added that the terms victim/offender were really clear for people. Deb agreed, they were trying to make a distinction. She also pointed out that the term 'someone' is also used so there is an obvious distinction between offender and someone accused of a crime, and they specifically called out victim so they (the public) understand that something was perpetrated against that person. Beth added that she believes the decision to talk about offenders was because of the information between the defender's office and human services coming out of the discussions with practitioners.

Lisa continued to question three which she identified as a flip-flop from question two by now asking for their opinions about sharing data with the public. She pointed out that the majority chose not to share data. Laurie informed the members that they did not lay out that this information is (already deemed) public, but instead wanted to find out what they thought (in general) about sharing this data.

Question 3: I'm going to read phrases that describe common types of criminal justice information that is shared with the PUBLIC, which includes individuals, organizations or businesses, or the media. In your opinion, should (READ LIST) be always shared, usually shared, usually not shared, or never shared with the public?

- a. Information about the victim of sexual assault or domestic abuse
- b. Information about the victim of some OTHER crime
- c. Information about a juvenile who engages in serious or violent criminal activity
- d. Information about a juvenile who engages in MINOR criminal activity
- e. Information about a person who witnesses a crime
- f. Information about an ACTIVE criminal investigation
- g. Information about your own arrest or conviction record (data not included)
- g-1 (IF DON'T HAVE ONE) Information about your own arrest or conviction record, if you had one (data not included)
- h. Information about some OTHER person's arrest or conviction record

Lisa informed the members that the survey data from letters g and g-1 were not included, due to the possible different interpretations of the question. She again stated that the overall majority were not in favor of sharing data, with the exception of letter c in which the majority favored sharing data. A member stated that there is a difference between data that can be shared, i.e.; data classified as public but has to be requested, versus data that is actively shared and posted publicly. Lisa responded that we are not clear on the public's level of knowledge about what it means to be public data which is more of a binary public/non-public; rather than the non-public versus all of the layers of what might be public data and then how are we going to access it. Another member thought it might be misleading when they say information is shared because not all information is shared for criminal investigations. Beth responded that she didn't believe the public would have the level of understanding that the members do about what is shared depending on the scenario. She also explained that the longer narratives are very expensive and may have played a part in how these questions were posed. Deb asked the members to keep in mind that these three questions were not intended to provide (them with) all the answers; or even if they had unlimited resources (to create longer narratives); because even for those members who have some knowledge about it, data practices is very complex. She informed them that the idea was to start peeling back the onion, so they started with the practitioners in the business, and then went nationwide, to finally asking the public (which no one has done before) what they think. She continued that we had no idea whether they (the public) know or don't know anything and even if they (the members) had unlimited funds, people are not going to stay on the phone to answer 35 questions. She stated that this was just the first layer and now we are going to ask the members if there is something we could do or is there more that we can find out. Lisa informed the members that this was a good start for the conversation (that would follow) after the presentation was completed. She then went through the demographic characteristics that correlated with support for sharing information.

Party (affiliation): Being Independent or Republican correlated with always or usually share for 3b, 3c, 3d, 3e, and 3g.

Location: Being from Greater Minnesota correlated with always or usually share for 3c and 3h.

Education: Having less formal education correlated with always or usually share for all scenarios.

Age: Being older correlated with always or usually share for 3a, 3b, and 3e.

Gender: Not a significant factor, males more often responded always or usually share.

Income: Having lower income correlated with always or usually share for 3b, 3d, 3f, and 3h.

Household composition: Being married correlated with always or usually share for 3a.

Not having children correlated with always or usually share for 3a and 3b.

Lisa summarized the report by providing the members with the key findings from the survey:

- Overall, respondents said they were concerned about the scenarios presented in each of the questions about data sharing. They were slightly less concerned about government maintaining databases or sharing information without the respondent's knowledge.
- For several scenarios about data sharing, many respondents offered that they didn't know if they were concerned. ("Don't know" was not an option presented by survey interviewers.)
- In the scenarios presented by survey questions about government agencies sharing data, respondents generally said data should be shared.
- In the scenarios presented by survey questions about sharing data with the public, respondents generally said data should not be shared.
- Fewer respondents said data should be shared when it involved someone who might be considered vulnerable—like a victim, witness, or juvenile—exceptions included:
  - when the information is about a juvenile engaging in serious or violent criminal activity and
  - when the information is about a victim of a crime other than sexual assault or domestic abuse
- Education was the demographic characteristic most commonly correlated with responses, followed by age and income.
  - Generally, those with more formal education (and often higher income) tended to favor data sharing among government agencies, but did not tend to favor data sharing with the public.
  - Those who are older tended to favor data sharing for vulnerable populations more so than younger individuals.

- Overall, party affiliation, location, gender, and household composition were not strongly correlated with responses, however:
  - Independents, Republicans, people in Greater Minnesota, and men tended to favor more sharing of data compared to Democrats, people from the Twin Cities, and women.

Deb stated that the subcommittee is looking to the members for some direction and asked, “Where do we take this now?” Laurie continued by asking the members: “How do we share this?” or “How do we make the most of this?” Deb also added, “Or how do we peel the next layer of the onion?”

Beth opened the discussion by going back to what they talked about at the meeting in December, when they went through the practitioner’s perspectives. She informed them that what came out of that discussion as opportunities were, training on the Data Practices Act; outreach and education of the public; storing data and how that might happen; tracking staff time; and how to interpret things differently. She encouraged the members to think about what they heard today and asked them what stands out? And what do you want to do with this data?

The member’s responded (as captured in the flip chart notes):

What to do with the information the subcommittee has gathered so far?

- A takeaway: the public doesn’t like current policies
- A takeaway: the public expects data to be shared within government agencies (differences in responses between Q2& Q3)
- How much should we make of this survey?
- (Thinking back to practitioners interviews) Government sharing is a priority – we need to close data gaps
- Subcommittee could make findings based on the data collected, recommend what additional data should be collected (identify gaps), and recommend options for policies/next steps [note: this was later refined and passed as a motion]
- Use for identifying training and outreach
- Results say change should be made in law/policy
- Communicate this info to our agencies
- Reconvene the subcommittee
  - Discuss ideas to address gaps
  - More exploration of data
  - Refresh/consider practitioner interviews
- Remember reasons for doing this – provide good info to policy makers, get different perspectives than those in this room

What are the gaps/caveats in this data?

- The public may not know about current law and policy
- Is there a pattern on concern about government maintaining data and responses on Q2 or Q3? (possible additional analysis)
- Is there more needed, or can more be gleaned from survey for groups like:
  - Generations (younger people)
  - People of color
  - People with limited English proficiency
- There’s a lack of nuance in the survey questions
- Potential other data collection if resources are available
  - Focus groups/interviews
  - Other mining of this survey data
  - Other ways to ask same survey questions in different settings

After the members finished their discussion, Deb proposed that the subcommittee regroup to further analyze the data from the survey in order to identify the gaps; determine what resources are available; and come back to the next meeting to go over what they have learned with the members. The members discussed her proposal and determined for analysis purposes to include the practitioner perspectives as well. A motion was made and seconded for the Data Practices subcommittee to incorporate the practitioner perspectives as they further analyze the data from the public survey to identify the gaps; determine additional resources; and report back what they have learned to the members. A vote was taken. **The motion carried.** Deb informed the members that Laurie would be scheduling a meeting for the Data Practices subcommittee and thanked MAD for all of their work. Laurie invited interested members to join their subcommittee.

### Finalize Advisory Group By-laws

Deb informed the members that today they were reviewing an up-to-date revision of the Advisory Group By-laws draft, which reflected the changes proposed by the member's during their last discussion. She then asked the members if there were any additional amendments to the current draft.

A member requested that in the third paragraph (under MEMBERSHIP AND OFFICERS) the words "only" and "or their designee" be included for clarification in the second sentence to read: "*Only* a member of the Executive Board *or their designee* may speak on behalf of the Advisory Group when needed".

Deb recorded the amendment as members were in agreement with the change and also wanted to point out that they (the chairs) incorporated the succession plan under officer responsibilities. She explained that when the present Chair's term is completed, the First Vice-Chair will become the Chair; the Second Vice-Chair will become the First Vice-Chair, and a new Second Vice-Chair will be elected. Deb then asked the members if they were in favor of the by-laws as written with the amended changes or if there were any other changes. A motion was made and seconded to approve the by-laws as drafted with the amendments that were added today.

Upon further discussion of the by-laws a member asked if in the second bullet titled Designees/Proxies (under MEETINGS) there could be an addition of the words "or fails to attend" in the third sentence. The members also discussed adding the words "the Member or" to read: "Proxies may vote; however, if an appointed member sends a proxy *or fails to attend* more than two meetings in a row, the Chair will contact *the Member or* their appointing/designating authority regarding the Member's continued participation". Deb asked the members if there was any further discussion.

A member asked if there were provisions in place to modify the by-laws on an annual or biannual basis. Deb responded that this was not currently in the by-laws and proposed to add this to the by-laws as number three (under RESPONSIBILITIES). She then asked if the members wanted to have it rewritten into the draft and brought back for their review. A member proposed to add it in as number three to read: "*The by-laws may be amended biannually*". Deb further proposed that "any changes would require a 30 day notice" to read: "*The by-laws may be amended biannually - any changes would require a 30 day notice to the Advisory Group*".

Deb asked the members if there was any further discussion and there was none. As a motion had already been made and seconded to approve the by-laws as drafted with the amendments that were added today; a vote was taken. **The motion carried.**

### Subcommittee Updates

#### • Data & Identification Standards

Oded reported that their subcommittee met; had discussions; and have suggestions; but are at a point where they need further direction from the members. He informed them that there are many data practices challenges when taking/using a photo for identification; and also with the Rapid (two-finger) ID process. He continued that during their discussions the subcommittee determined these two methods of identification work well to increase the identity of a person during any event process. He stated that they are now looking for direction from the Advisory Group and posed these questions to the members:

- Where do you want us to carry it forward?
- Where do we take this to vet our technology solutions?



- How much more time do they invest in this effort?
- Should the photo and Rapid ID be used together?
  - And at which points in the process?

In addition, (for clarification) Oded informed the members that the direction they are seeking has to do with the identification gaps for events i.e.; the citation; probation; or workhouse detention processes. The members began a discussion, but due to the limited amount of time required to have a full discussion, Deb proposed that a Data & Identification Standards Discussion, be added to the agenda for the next meeting. The members agreed.

## • Collaborative Relationships & Funding Update

Amy reported that their subcommittee is going to meet in a couple weeks. She informed the members that due to the confusion caused by the three legislative budgetary proposals, she, Paul and Dana are planning to talk about defining some clarifications around this process. She stated that they will come back to the August meeting and provide some additional guidance to the members. Paul explained that the impact to the organizations already funded by the state is that these additional requests for money to fund project proposals are being added to their budget caps, which then penalizes their overall budget. He continued that by talking with Representative Brian Johnson, Representative Tony Cornish, and others, he has learned that supplemental budgets might be the way to do this. He stated that they will meet again and come back with a process on how to move forward with funding multi-agency project proposals. Amy also added that the other half of their subcommittee is the collaborative relationships which they will also come back to talk with the members about a branding effort.

## Other Business

Spencer Bakke announced that due to a change in his role at the Hennepin County Sheriff's Department, this officially was his last meeting. He informed the members that he has been actively involved for 8 years and wanted to be sure to thank everyone. He stated that as a member he has seen a lot of work accomplished; was grateful for the opportunity to work with so many subject matter experts; and he will miss it. He encouraged the members to continue pressing forward as they identify and address criminal justice information issues. On behalf of the members, Deb thanked him for his participation and wished him the best.

Deb asked the members if there was any other business for discussion and as there was no further discussion, she requested a motion to adjourn. A motion was made and seconded to adjourn. A vote was taken. **The motion carried.**

## Next Meeting:

Friday, August 11, 2017  
 9:00 a.m. – 11:00 a.m.  
 Minnesota BCA, Room W277

**The meeting adjourned.**